

RICARDO ECHEVERRIA #166049
recheverria@shernoff.com
DANICA CRITTENDEN #273309
dcrittenden@shernoff.com
SHERNOFF BIDART ECHEVERRIA LLP
600 South Indian Hill Boulevard
Claremont, California 91711
Telephone: (909) 621-4935
Facsimile: (909) 625-6915

Attorneys for Plaintiff
JUDITH I. NAPOLEON

Catherine J. Baumgartner No. 327062
McDOWELL HETHERINGTON LLP
1 Kaiser Plaza, Suite 340
Oakland, CA 94612
Telephone: 510.628.2145
Facsimile: 510.628.2146
Email: catherine.baumgartner@mhllp.com

David T. McDowell Tx No. 0791222 *
McDOWELL HETHERINGTON LLP
1001 Fannin Street, Suite 2700
Houston, TX 77002
Telephone: 713.337-5582
Facsimile: 713.337-8842
Email: david.mcdowell@mhllp.com
* (appearing *pro hac vice*)

Attorneys for Defendant
USAA LIFE INSURANCE COMPANY

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – SACRAMENT DIVISION

JUDITH I. NAPOLEON, an individual,
Plaintiff,

v.

UNITED SERVICES AUTOMOBILE
ASSOCIATION, a Reciprocal Interinsurance
Exchange with members in every State;
USAA LIFE INSURANCE COMPANY, a
corporation and subsidiary of United States
Automobile Association; AND does 1-100
inclusive,

Defendants.

Case No. 2:21-cv-01259-TLN-AC

**JOINT STIPULATION AND ORDER TO
CONTINUE THE HEARING ON MOTION
TO REMAND TO STATE COURT**

Hon. Troy L. Nunley

Complaint Filed: June 2, 2021
Notice of Removal Filed: July 16, 2021
Current Motion to Remand Hearing Date:
September 16, 2021
[Proposed Motion to Remand Hearing Date:
September 30, 2021]

1 Plaintiff Judith I. Napoleon and Defendant USAA Life Insurance Company, by and through
2 their respective undersigned counsel, respectfully stipulate and agree, subject to the Court's
3 approval, to continue the hearing on Plaintiff's Motion to Remand to State Court as follows:

4 WHEREAS, on June 2, 2021, Plaintiff filed a Complaint against Defendant asserting causes
5 of action for (1) Breach of the Implied Covenant of Good Faith and Fair Dealing; (2) Breach of
6 Contract (ECF Dkt. 1, Exhibit A);

7 WHEREAS, on July 16, 2021, Defendant timely removed the action to the U.S. District
8 Court to the Eastern District of California (ECF Dkt. 1);

9 WHEREAS, Plaintiff filed a Motion to Remand ("the Motion") (ECF Dkt. No. 10) on
10 August 16, 2021, which set the hearing on the Motion for September 16, 2021, at 2:00 p.m.;

11 WHEREAS, because Defendant requires additional time to fully brief its arguments in its
12 Opposition to the Motion, the parties wish to continue the hearing on the Motion from September
13 16, 2021, at 2:00 p.m. to September 30, 2021, at 2:00 p.m.;

14 WHEREAS, pursuant to Local Rule 230(c), the parties wish to continue USAA Life
15 Insurance Company's Opposition deadline from September 2, 2021, to September 16, 2021;

16 WHEREAS, pursuant to Local Rule 230(d), the parties wish to continue Plaintiff's Reply
17 deadline from September 9, 2021, to September 23, 2021;

18 NOW, THEREFORE, the Parties, by and through their respective undersigned counsel,
19 hereby stipulate, subject to the Court's approval, that:

- 20 1. USAA Life Insurance Company's deadline to submit its Opposition to the Motion is
21 September 16, 2021;
 - 22 2. Plaintiff's deadline to submit their Reply in further support of the Motion is September
23 23, 2021; and
 - 24 3. Plaintiff's Motion will be heard by the court will be heard on September 30, 2021, at
25 2:00 p.m.
- 26
27
28

1 Dated: August 19, 2021

McDOWELL HETHERINGTON LLP

2 By: /s/Catherine J. Baumgartner

3 Catherine J. Baumgartner

4 David T. McDowell

5 Attorneys for Defendant

USAA LIFE INSURANCE COMPANY

7 Dated: August 19, 2021

SHERNOFF BIDART ECHEVARRIA LLP

8 By: /s/ Danica Crittenden

9 Ricardo Echeverria

10 Danica Crittenden

11 Attorneys for Plaintiff

12 JUDITH I. NAPOLEON

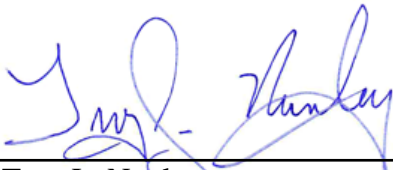
ORDER

Having fully considered the Joint Stipulation to Continue the Motion to Remand to State Court, and upon good cause appearing, IT IS HEREBY ORDERED that the dates and deadlines in this case are continued as follows:

Event	Deadline
USAA Life Insurance Company's Opposition to Motion to Remand	September 16, 2021
Plaintiff's Reply	September 23, 2021
Hearing on Motion to Remand	September 30, 2021, at 2:00 p.m.

IT IS SO ORDERED.

Dated: August 19, 2021



Troy L. Nunley
United States District Judge